

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| <i>In re</i> application of: Cabilly, <i>et al.</i> | § | Examiner: | Jeffrey Barton |
| Appl. Ser. No. 10/056,050 | § | Art Unit: | 1795 |
| Filed: Jan 28, 2002 | § | Atty. Dkt. No: | IVGN 309.3 CIP |
| Title: APPARATUS AND METHOD FOR ELECTROPHORESIS | § | Confirmation No.: | 1920 |
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AMENDMENT/RESPONSE TO NON-FINAL OFFICE ACTION OF JANUARY 10, 2008

Mail Stop: Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed January 10, 2008 in the above-captioned matter, Applicant submits the following amendment and response, in which:

Changes to the Claims begin on page 2 of this paper; and

Remarks begin on page 11 of this paper.

The above-captioned application is presently on appeal to the Board of Patent Appeals and Interferences ("Board"). As of today's date, January 12, 2009, Applicants hereby request that the Board withdraw the appeal.

Concurrently, Applicants hereby request that prosecution of the instant application be reopened pursuant to 37 C.F.R. § 1.114(d), and submit herewith a Request for Continued Examination (RCE) - Form PTO/SB/30EFS under 37 C.F.R. § 1.114. The RCE is accompanied by a response to the last outstanding Office Action and the corresponding fee set forth under 37 C.F.R. 1.17(e). It is believed that this RCE is proper under 37 C.F.R. § 1.114, as it is filed after appeal to the Board, but prior to a decision on the appeal. Amendments and Remarks accompanying this RCE are responsive to the last outstanding Office Action (mailed January 10, 2008) within the meaning of 37 C.F.R. § 1.111.